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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 MURUGANANANDAM ARUMUGAM,

13 Defendant.  
14

Case No. CR19-41RSL

ORDER CONTINUING  
TRIAL DATE

15 This matter comes before the Court on the government's "Motion for an Order  
16 Addressing the Continuance of the Trial." Dkt. # 168. On June 17, 2020, over defendant's  
17 objection, the Court continued the trial date in this case to September 1, 2020. See Dkt. # 126.  
18 On August 26, 2020, the Court issued an order striking the trial date and ordering that the period  
19 of time from the date of the order up to and including September 8, 2020, be excludable time  
20 pursuant to 18 U.S.C. § 3161. Dkt. # 143 (citing W.D. Wash. Gen. Order Nos. 02-20, 11-20).  
21 On September 4, 2020, the Honorable Ricardo S. Martinez, Chief United States District Judge,  
22 issued General Order No. 13-20, further continuing all civil and criminal in-person hearings and  
23 trials in the Seattle and Tacoma Courthouses until October 5, 2020. Consequently, the Court  
24 issued an order further continuing the trial in this case and ordering that the period of time from  
25 the date of the order up to and including October 5, 2020, be excludable time pursuant to 18  
26 U.S.C. § 3161. Dkt. # 144. On October 2, 2020, Chief Judge Martinez issued General Order No.  
27 15-20, extending the procedures established by General Orders No. 02-20 and 03-20 through  
28 January 1, 2021. Accordingly, the Court issued another order further continuing the trial date

1 and ordering that the period of time from the date of the order up to and including January 19,  
2 2021, be excludable time pursuant to 18 U.S.C. § 3161. Dkt. # 147. The Court also noted that  
3 defendant was incarcerated in King County Jail pending a November 30, 2020 King County  
4 Superior Court trial date, and this detention rendered him unavailable for trial in the above-  
5 captioned matter. Dkt. # 147. On December 30, 2020, Chief Judge Martinez issued General  
6 Order No. 18-20, extending the procedures established by General Order No. 15-20 through  
7 March 31, 2021. The Court issued another order on January 7, 2021, which continued the trial  
8 date in this matter to April 19, 2021 and ordered the time period from the date of the order up to  
9 and including April 19, 2021, be excludable time pursuant to 18 U.S.C. § 3161. Dkt. # 159. The  
10 Court had been advised at the time of the January 7, 2021 order that defendant remained  
11 incarcerated in King County Jail and was facing state criminal charges on three separate  
12 prosecutions. See id.

13 Chief Judge Martinez extended the procedures established by General Order No. 15-20  
14 again via General Order No. 04-21, issued on March 19, 2021. General Order No. 15-20 allowed  
15 for “one in-person criminal jury trial at a time at each of the district’s two courthouses,” and  
16 General Order No. 04-21 provided that in-person criminal trials would be scheduled starting  
17 May 17, 2021, which was after the then-existing trial date of April 19, 2021. General Order No.  
18 04-21 also precluded “simultaneous in-person trials.” The Court issued another order on April 5,  
19 2021, which continued the trial date in this matter to July 19, 2021, and ordered the time period  
20 from the date of the order up to and including July 19, 2021, be excludable time pursuant to 18  
21 U.S.C. § 3161. Dkt. # 165. Both the public health recommendations related to the ongoing  
22 COVID-19 pandemic and the defendant’s pending King County Superior Court trial led the  
23 Court to find that the ends of justice served by continuing the case outweighed the best interest  
24 of the public and the defendant in a speedy trial. Id.

25 Subsequent to the April 5, 2021 order, Chief Judge Martinez issued General Order No.  
26 10-21 on June 30, 2021, which discontinued the procedures of General Order No. 18-20 and  
27 provided that criminal trials could proceed as scheduled. Nevertheless, the government moved to  
28 continue the trial date due to defendant’s incarceration in King County jail pending a trial, which

1 at that time, had been scheduled for September 14, 2021. Dkt. # 166. The Court issued an order  
2 on July 12, 2021, which continued the trial date in this matter to November 29, 2021, and  
3 ordered the time period from the date of the order up to and including November 29, 2021, be  
4 excludable time pursuant to 18 U.S.C. § 3161. Dkt. # 167. The government now informs the  
5 Court that the King County Superior Court trial is set for November 30, 2021 and requests a  
6 new trial date approximately two months after that trial date. Dkt. # 168. Defendant opposes the  
7 government's motion to continue the trial. Dkt. # 169.

8 Now, therefore, the Court FINDS as follows:

9 1. The Court incorporates the facts set forth in the government's motion. Dkt. # 168. In  
10 particular, as of October 15, 2021, defendant's three sex offenses have been set for trial on  
11 November 30, 2021, in King County Superior Court, and defendant remains detained at the  
12 King County Jail. The Court therefore finds that proceeding with an earlier trial in the above-  
13 captioned matter would likely be impossible or would result in a miscarriage of justice, as set  
14 forth in 18 U.S.C. § 3161(h)(7)(B)(i).

15 2. Due to defendant's pending King County Superior Court trial, the Court specifically finds  
16 that the ends of justice served by continuing the trial in this case outweigh the best interest of the  
17 public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

18 3. The Court also finds that defendant's incarceration in another jurisdiction pending a state  
19 trial renders him unavailable to appear for trial in the above-captioned matter on the November  
20 29, 2021 trial date previously scheduled. Pursuant to 18 U.S.C. § 3161(h)(1)(B), the delay  
21 resulting from defendant's trial in King County Superior Court constitutes a period of delay that  
22 the Court will exclude for speedy trial purposes.

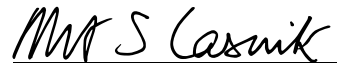
23 IT IS THEREFORE ORDERED that the trial date in this case be continued to February  
24 28, 2022.

25 IT IS FURTHER ORDERED that the period of time from the date of this Order up to and  
26 including the new trial date, shall be excludable time pursuant to 18 U.S.C. § 3161, *et seq.*

27 IT IS FURTHER ORDERED that the Court will conduct a status conference  
28 regarding the trial date after the King County Superior Court trial has concluded. Within seven

1 days of the conclusion of the King County Superior Court's trial, the parties are directed to  
2 notify the Court.

3 DATED this 28th day of October, 2021.

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6 Robert S. Lasnik  
7 United States District Judge  
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